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Date: May 29, 2007

To: Commissioner for Patents

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Re: Application No. 10/811,816 entitled - "Laser Array Imaging Lens and an Image-forming Device Using the Same"

Comments: A Fee Transmittal (original plus a duplicate copy) and an Appeal Brief (18 pages) follow.

The total number of pages, including this cover sheet, are: 21

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PTO/SB/17 (02-07)

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL
For FY 2007** Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)
500.00**Complete if Known**

Application Number	10/811,816
Filing Date	March 30, 2004
First Named Inventor	Hiromitsu YAMAKAWA
Examiner Name	PHAM, Hai Chi
Art Unit	2861
Attorney Docket No.	25-273

METHOD OF PAYMENT (check all that apply) Check Credit Card Money Order None Other (please identify): Deposit Account Deposit Account Number: **01-2509** Deposit Account Name: **Arnold International**

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEESFee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Small Entity Fee (\$)	Fee (\$)
- 20 or HP =	x	=		50	25

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=		200	100	

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x		

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): **Appeal Brief****Fees Paid (\$)****\$500.00****SUBMITTED BY**

Signature	Bruce Y. Arnold	Registration No. (Attorney/Agent)	28,493	Telephone	703-759-2991
Name (Print/Type)	Bruce Y. Arnold	Date	05/29/2007		

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments and suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket No. 25-273

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Hiromitsu YAMAKAWA

Application
Number: 10/811,816 Art Unit No.: 2861

Filed: March 30, 2004 Examiner: PHAM, Hai Chi

For: LASER ARRAY IMAGING LENS AND AN IMAGE-FORMING DEVICE
USING THE SAME

APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May 29, 2007

Sir:

Responsive to the Notice of Panel Decision from Pre-Appeal Brief Review dated April 30, 2007, please enter this Appeal Brief.

05/31/2007 CNGUYEN2 00000010 012509 10811816

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Application No. 10/811,816

Table of Contents

Real Party in Interest	Page 3
Related Appeals and Interferences	Page 3
Status of Claims	Page 3
Status of Amendments	Page 3
Summary of Claimed Subject Matter	Pages 4 - 5
Grounds of Rejection To Be Reviewed on Appeal	Page 6
Argument	Pages 7 - 11
Claims Appendix	Pages 12 - 15
Evidence Appendix	Page 16
Related Proceedings Appendix	Page 17
Fee(s) and Signature	Page 18

Application No. 10/811,816

Real Party in Interest

The real party in interest is Fujinon Corporation, the assignee of record.

Related Appeals and Interferences

There are no related appeals or interferences.

Status of Claims

Claims 18 and 20 have been objected to and claims 1 - 17 and 19 have been rejected. No claims have been allowed. The claims on appeal are claims 1 - 17 and 19.

Status of Amendments

No Amendments After Final have been filed.

Application No. 10/811,816

Summary of Claimed Subject Matter**Independent Claim 1:**

1. A laser array imaging lens (laser array imaging lens 2, shown in Fig. 1A, discussed at pages 7 - 8 of the specification) consisting of:

a single lens component (shown in Fig. 1A) with or without a stop (stop 3, shown in Fig. 1A, discussed at page 10, lines 1 - 18, of the specification) positioned on the image side of the single lens component (see Fig. 1A; see specification at page 10, lines 13 - 16);

at least one surface of the single lens component is both anamorphic and aspheric (see page 8, lines 4 - 5, of the specification);

and

a diffractive optical element that is either superimposed on said at least one surface or is formed on another surface of the single lens component (see page 9, lines 10 - 11 of the specification), said diffractive optical element being defined by a phase function (see page 9, lines 11 - 16, of the specification).

Independent claim 3:

3. In combination:

a laser array light source (laser array light source 1 shown in Fig. 1A, discussed at page 5, lines 6 - 8, of the specification); and

a laser array imaging lens (laser array imaging lens 2, shown in Fig. 1A, discussed at pages 7 - 8 of the specification) which receives light from the laser array light source, the laser array imaging lens consisting of a single lens component (shown in Fig. 1A) with or without a stop (stop 3, shown in Fig. 1A) positioned on the image side of the single lens component, with at least one surface of the single lens component being aspheric;

wherein the following condition is satisfied

$$0.5 < L / (D_2 \cdot (1 - 1/M)) < 2.0 \quad (\text{see page 11, line 16, of the specification})$$

Application No. 10/811,816

where

L is the distance from the laser array light source to the light-source side of the laser array imaging lens (see page 11, lines 18 - 19 of the specification);
D₂ is the distance along the optical axis from the image-side surface of the laser array imaging lens to the position where the centers of the beams from the laser elements of the laser array light source intersect the optical axis after being refracted by the laser array imaging lens (see page 11, lines 20 - 22 of the specification); and
M is the image magnification (see page 11, line 23, of the specification).

Application No. 10/811,816

Grounds of Rejection to be Reviewed on Appeal

(a) Whether claims 1 and 9 are unpatentable under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,067,106 to Ishibe et al.

(b) Whether claims 3, 7, 11 and 15 are unpatentable under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 5,991,063 to Ando in view of U.S. Patent No. 5,671,077 to Imakawa et al.

(c) Whether claim 2 is unpatentable under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 6,067,106 to Ishibe et al. in view of U.S. Patent No. 5,912,768 to Sissom et al.

(d) Whether claims 5 and 13 are unpatentable under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 6,067,106 to Ishibe et al. in view of U.S. Patent No. 5,956,070 to Paoli et al.

(e) Whether claims 6, 10, 14, 17 and 19 are unpatentable under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 6,067,106 to Ishibe et al. in view of U.S. Patent No. 5,912,768 to Sissom et al. as applied to claim 2, and further in view of U.S. Patent No. 5,956,070 to Paoli et al.

(f) Whether claims 4, 8, 12 and 16 are unpatentable under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 5,991,063 to Ando in view of U.S. Patent No. 5,671,077 to Imakawa et al. as applied to claim 3, and further in view of U.S. Patent No. 5,912,768 to Sissom et al.

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Application No. 10/811,816

Argument

Claims 1 and 9

(a) The rejection of claims 1 and 9 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,067,106 to Ishibe et al. is clearly improper and should be reversed.

The Examiner asserts that “an f·θ lens is an imaging lens” (see paragraph 11 of the Advisory Action dated 03/09/2007). It is Applicant’s position that the terms ‘f·θ lens’ and ‘imaging lens’ are each ‘terms of art’. The term “imaging lens” is well known and widely used by those of ordinary skill in the art to refer to a type of lens that is designed to have low distortion and to image an object having an extended area so that the image faithfully resembles the object. On the other hand, the term ‘f·θ lens’ is well known and widely used by those of ordinary skill in the art to refer to a type of lens that is designed to have high distortion and to image a light source so as to form a spot of light that may be scanned by a deflector such that the scanning velocity of the spot on a scanning surface is constant. The undersigned acknowledges that a limited number of U.S. patents have issued since 1976 (on the order of 10) that do use the term ‘imaging lens’ in a generic manner that is inclusive of lenses having high distortion (such as f·θ lenses which, due to their high distortion, are entirely unsuitable for imaging a laser array). With regard to claim 1, it is the undersigned’s position that the Examiner’s rejection of claim 1 as being anticipated by U.S. Patent No. 6,067,106 to Ishibe et al. would be justified if line 1 of claim 1 merely recited “An imaging lens” since, as noted above, various U.S. patents can be found that use the term “imaging lens” in a manner that is inclusive of f·θ lenses. However, line 1 of claim 1 contains the limitation “A laser array imaging lens” (emphasis added). Since it can not be controverted (see the subclass definitions for 359/206 and 359/662 in the Manual for Patent Classification) that the term “f·θ lens” is a ‘term of art’ that refers to high distortion lenses, the rejection of claim 1 should be reversed, since an f·θ lens is not suitable for imaging an extended object such as a laser array. An f·θ lens, due to its high distortion, is not suitable for imaging a laser array, and instead is suitable for imaging light only to a small spot (i.e., pixel).

Application No. 10/811,816

As claim 9 is a dependent claim that depends from claim 1, it includes the limitation “A laser array imaging lens” (emphasis added) by reason of its dependency. Therefore, the rejection of claim 9 as being anticipated by U.S. Patent No. 6,067,106 to Ishibe et al. should be reversed as well, for the same reason, namely, the fθ lens disclosed in Ishibe et al. would not be suitable for imaging a laser array, owing to the high distortion of such an fθ lens.

Claims 3, 7, 11 and 15

(b) The rejection of claims 3, 7, 11 and 15 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,991,063 to Ando in view of U.S. Patent No. 5,671,077 to Imakawa et al. is improper and should be reversed.

As noted above, the Examiner asserts that “an fθ lens is an imaging lens” (see paragraph 11 of the Advisory Action dated 03/09/2007). It is Applicant’s position that the terms ‘fθ lens’ and ‘imaging lens’ are each ‘terms of art’. The term “imaging lens” is well known and widely used by those of ordinary skill in the art to refer to a type of lens that is designed to have low distortion and to image an object having an extended area so that the image faithfully resembles the object. On the other hand, the term ‘fθ lens’ is well known and widely used by those of ordinary skill in the art to refer to a type of lens that is designed to have high distortion and to image a light source so as to form a spot of light that may be scanned by a deflector such that the scanning velocity of the spot on a scanning surface is constant. The undersigned acknowledges that a limited number of U.S. patents have issued since 1976 (on the order of 10) that **do use** the term ‘imaging lens’ in a generic manner that is inclusive of lenses having high distortion (such as fθ lenses which, due to their high distortion, are entirely unsuitable for imaging a laser array.) With regard to claim 3, it is the undersigned’s position that the Examiner’s rejection of claim 3 as being unpatentable over U.S. Patent No. 5,991,063 to Ando in view of U.S. Patent No. 5,671,077 to Imakawa et al. **would be justified** if line 3 of claim 3 recited merely “An imaging lens” since, as noted above, various U.S. patents can be found that use the term “imaging lens” in a manner that is inclusive of fθ lenses. However, line 3 of claim 3 contains the limitation “a

Application No. 10/811,816

laser array imaging lens" (emphasis added.) Since it can **not** be controverted (see the subclass definitions for 359/206 and 359/662 in the Manual for Patent Classification) that the term "f-θ lens" is a 'term of art' that refers to high distortion lenses that are entirely unsuitable for imaging a laser array, the rejection of claim 3 should be reversed, since an f-θ lens is not suitable for imaging an extended object such as a laser array; rather an f-θ lens is suitable for imaging light only onto a small spot (i.e., a pixel.) With regard to claims 7, 11 and 15, as each of claims 7, 11 and 15 are dependent claims that depend (directly or indirectly) from claim 3, each includes the limitation "a laser array imaging lens". Since each of Ando and Imakawa et al. discloses f-θ lenses, the combined teachings of Ando and Imakawa et al. would not make obvious a "laser array imaging lens" as is claimed, for the reasons discussed above.

Claim 2

(c) The rejection of claim 2 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,067,106 to Ishibe et al. in view of U.S. Patent No. 5,912,768 to Sissom et al. is improper and should be reversed.

Claim 2 depends from claim 1, and thus contains the limitation "A laser array imaging lens" (as recited in line 1 of claim 1) by reason of its dependency. As noted above with regard to the rejection of claim 1, Ishibe et al. does **not** anticipate claim 1. Since Sissom et al. does not make up for the deficiency of Ishibe et al., as discussed above regarding the rejection of claim 1, the rejection of claim 2 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,067,106 to Ishibe et al. in view of U.S. Patent No. 5,912,768 to Sissom et al. is improper and should be reversed.

Claims 5 and 13

(d) The rejection of claims 5 and 13 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,067,106 to Ishibe et al. in view of U.S. Patent No. 5,956,070 to Paoli et al. is improper and should be reversed.

Application No. 10/811,816

Claims 5 and 13 depend (directly or indirectly) from claim 1. Thus, claims 5 and 13 include the limitation of "A laser array imaging lens" (as recited in line 1 of claim 1) by reason of their dependency. As noted above with regard to the rejection of claim 1, Ishibe et al. does not anticipate claim 1. Since Paoli et al. does not make up for the deficiency of Ishibe et al., as discussed above regarding the rejection of claim 1, the rejection of claims 5 and 13 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,067,106 to Ishibe et al. in view of U.S. Patent No. 5,956,070 to Paoli et al. is improper and should be reversed.

Claims 6, 10, 14, 17 and 19

(e) The rejection of claims 6, 10, 14, 17 and 19 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,067,106 to Ishibe et al. in view of U.S. Patent No. 5,912,768 to Sissom et al. as applied to claim 2, and further in view of U.S. Patent No. 5,956,070 to Paoli et al. is improper and should be reversed.

Claims 6, 10, 14, 17 and 19 depend (directly or indirectly) from claim 1. Thus, claims 6, 10, 14, 17 and 19 include the limitation of "A laser array imaging lens" (as recited in line 1 of claim 1) by reason of their dependency. As noted above with regard to the rejection of claim 1, Ishibe et al. does not anticipate claim 1. Since neither Sissom et al. nor Paoli et al. (taken individually or in combination) makes up for the deficiency of Ishibe et al., as discussed above regarding the rejection of claim 1, the rejection of claims 6, 10, 14, 17 and 19 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,067,106 to Ishibe et al. in view of U.S. Patent No. 5,912,768 to Sissom et al. as applied to claim 2, and further in view of U.S. Patent No. 5,956,070 to Paoli et al. is improper and should be reversed.

Claims 4, 8, 12 and 16:

(f) The rejection of claims 4, 8, 12 and 16 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,991,063 to Ando in view of U.S. Patent No. 5,671,077 to Imakawa et al.

Application No. 10/811,816

as applied to claim 3, and further in view of U.S. Patent No. 5,912,768 to Sissom et al. is improper and should be reversed.

Claims 4, 8, 12 and 16 depend, directly or indirectly, from claim 3. Thus, claims 4, 8, 12 and 16 include the limitation of "a laser array imaging lens" (as recited in line 3 of claim 3) by reason of their dependency. As noted above with regard to the rejection of claim 3, Ando discloses an f-θ lens that would **not** be suitable for imaging a laser array. Since neither Imakawa et al. nor Sissom et al. (when considered individually or in combination) makes up for the deficiency of Ando, as discussed above regarding the rejection of claim 3, the rejection of claims 4, 8, 12 and 16 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,991,063 to Ando in view of U.S. Patent No. 5,671,077 to Imakawa et al. as applied to claim 3, and further in view of U.S. Patent No. 5,912,768 to Sissom et al. is improper and should be reversed.

Application No. 10/811,816

Claims Appendix

- 1 1. (original) A laser array imaging lens consisting of:
 - 2 a single lens component with or without a stop positioned on the image side of the single
 - 3 lens component;
 - 4 at least one surface of the single lens component is both anamorphic and aspheric; and
 - 5 a diffractive optical element that is either superimposed on said at least one surface or is
 - 6 formed on another surface of the single lens component, said diffractive optical element being
 - 7 defined by a phase function.
- 1 2. (original) The laser array imaging lens according to claim 1, wherein a stop is positioned on
2 the image side of the single lens component at a specified distance.
- 1 3. (previously presented) In combination:
 - 2 a laser array light source; and
 - 3 a laser array imaging lens which receives light from the laser array light source, the laser
 - 4 array imaging lens consisting of a single lens component with or without a stop positioned on the
 - 5 image side of the single lens component, with at least one surface of the single lens component
 - 6 being aspheric;
 - 7 wherein the following condition is satisfied

8 $0.5 < L / (D_2 \cdot (1 - 1/M)) < 2.0$

9 where

10 L is the distance from the laser array light source to the light-source side of the

11 laser array imaging lens;

12 D_2 is the distance along the optical axis from the image-side surface of the laser array

13 imaging lens to the position where the centers of the beams from the laser elements of

14 the laser array light source intersect the optical axis after being refracted by the laser

Application No. 10/811,816

15 array imaging lens; and

16 M is the image magnification.

1 4. (original) The combination according to claim 3, wherein a stop is positioned on the image
2 side of the single lens component at a specified distance.

1 5. (original) An image-forming device that includes the laser array imaging lens according to
2 claim 1, and further comprises:

3 a laser array light source made by arraying multiple light emitting elements in one or
4 more rows;

5 means for independently modulating the individual light emitting elements of the laser
6 array light source, based on a prescribed signal; and

7 means for relatively moving a surface to be scanned, that is positioned substantially at an
8 image surface of the laser array imaging lens, in a sub-scanning direction that is roughly
9 perpendicular to the direction of the image dots that form one or more rows at the image surface.

1 6. (original) An image-forming device that includes the laser array imaging lens according to
2 claim 2, and further comprises:

3 a laser array light source made by arraying multiple light emitting elements in one or
4 more rows;

5 means for independently modulating the individual light emitting elements of the laser
6 array light source, based on a prescribed signal; and

7 means for relatively moving a surface to be scanned and that is positioned substantially at
8 the image surface of the laser array imaging lens, in a sub-scanning direction that is roughly
9 perpendicular to the direction of the imaged dots that form one or more rows at the image
10 surface.

1 7. (original) An image-forming device that includes the combination according to claim 3, and

Application No. 10/811,816

2 further comprises:

3 means for independently modulating the individual light emitting elements of the laser
4 array light source, based on a prescribed signal; and

5 means for relatively moving a surface to be scanned and that is positioned substantially at
6 the image surface of the laser array imaging lens, in a sub-scanning direction that is roughly
7 perpendicular to the direction of the imaged dots that form one or more rows at the image
8 surface.

1 8. (original) An image-forming device that includes the combination according to claim 4, and
2 further comprises:

3 means for independently modulating the individual light emitting elements of the laser
4 array light source, based on a prescribed signal; and

5 means for relatively moving a surface to be scanned and that is positioned substantially at
6 the image surface of the laser array imaging lens, in a sub-scanning direction that is roughly
7 perpendicular to the direction of the imaged dots that form one or more rows at the image
8 surface.

1 9. (original) The laser array imaging lens according to claim 1, wherein the single lens
2 component consists of a single lens element.

1 10. (original) The laser array imaging lens according to claim 2, wherein the single lens
2 component consists of a single lens element.

1 11. (original) The combination according to claim 3, wherein the single lens component consists
2 of a single lens element.

1 12. (original) The combination according to claim 4, wherein the single lens component consists
2 of a single lens element.

Application No. 10/811,816

1 13. (original) The image-forming device according to claim 5, wherein the single lens component
2 consists of a single lens element.

1 14. (original) The image-forming device according to claim 6, wherein the single lens component
2 consists of a single lens element.

1 15. (original) The image-forming device according to claim 7, wherein the single lens component
2 consists of a single lens element.

1 16. (original) The image-forming device according to claim 8, wherein the single lens component
2 consists of a single lens element.

1 17. (original) The laser array imaging lens according to claim 2, wherein the stop is positioned so
2 that the laser array imaging lens is substantially telecentric on the light-source side.

1 18. (original) The combination according to claim 4, wherein the stop is positioned so that the
2 laser array imaging lens is substantially telecentric on the light-source side.

1 19. (original) The image-forming device according to claim 6, wherein the stop is positioned so
2 that the laser array imaging lens is substantially telecentric on the light-source side.

1 20. (original) The image-forming device according to claim 8, wherein the stop is positioned so
2 that the laser array imaging lens is substantially telecentric on the light-source side.

Application No. 10/811,816

Evidence Appendix

(none)

Application No. 10/811,816

Related Proceedings Appendix

(none)

Application No. 10/811,816

Fee(s) and Signature

Enclosed is a Fee Transmittal, and a duplicate copy, for charging the Appeal Brief fee to Deposit Account No. 01-2509. If any additional fee(s) are required, including any extension of time fee(s), please charge Deposit Account No. 01-2509 for the amount due.

Respectfully submitted,

ARNOLD INTERNATIONAL

By Bruce Y. Arnold
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Reg. No. 28,493

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Attachment: Fee Transmittal